



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,415	07/29/2003	Todd R. Burkey	XIOT.019PA	5964

40581 7590 06/01/2006
CRAWFORD MAUNU PLLC
1270 NORTHLAND DRIVE, SUITE 390
ST. PAUL, MN 55120

EXAMINER

KIM, DANIEL Y

ART UNIT PAPER NUMBER

2185

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/629,415	Applicant(s) BURKEY, TODD R.	
	Examiner Daniel Kim	Art Unit 2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to applicant's communication filed July 29, 2003 in response to the PTO Office Action mailed October 20, 2005. The applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.
2. In response to the last Office Action, no claims have been amended, canceled or added. Claims 1-16 remain pending in this application.
3. The objections to the specification, specifically on page 14, line 9, have been withdrawn due to the amendment filed March 20, 2006.

Response to Arguments

4. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

Art Unit: 2185

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stallmo (U.S. Patent No. 5,875,456), in view of Baranovsky et al (US Patent No. 5,897,661).

For claim 1, Stallmo discloses a program storage device readable by a computer tangibly embodying one or more programs of instructions executable by the computer to perform a method for dynamically resizing a disk array in a RAID storage system, the method comprising:

receiving a request to dynamically resize a disk array in a RAID storage system (a system to reconfigure itself to allow a disk to be removed or added from the array, col. 6 lines 5-9);

manipulating RAIDs in the RAID storage system to provide the desired resizing (see col. 6 lines 5-9);

providing the resized disks for operation (disk array that remains on-line with all host data is available for access and modification, col. 6 lines 14-18).

For claim 1, Stallmo does not, however, expressly disclose these steps for a mirrored virtual disk.

Baranovsky, however, discloses a logical volume manager which presents a logical view of storage and masks physical device boundaries and provides extended storage attributes such as mirroring and striping (col. 7, lines 61-65), logical clusters which include a corresponding physical cluster and redundant copies of the cluster

known as mirrors (col. 9, lines 7-9), and logical volumes or collections of physical clusters and their mirrors which are organized into logical clusters (col. 9, lines 16-18).

Stallmo and Baranovsky are analogous art in that they are in the same field of endeavor, that is, a method of managing data in a data storage system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the attaching of RAIDs to a virtual disk for a mirror device because this would provided extended storage attributes for performance and reliability (col. 7, lines 63-64), as taught by Baranovsky.

For claim 2, Stallmo discloses the program storage device of claim 1 wherein the request to dynamically resize a disk array in a RAID storage system is a request to dynamically expand the disk array in a RAID storage system, and wherein the manipulating RAIDs to provide the desired resizing further comprises:

creating an amount of storage necessary by providing RAIDs on each subsystem (when a new block group is added, the space for the new block group is taken from the available blocks and reserved for the new block group, col. 18 lines 31-33); and attaching the RAIDs to a disk system (allow disks that have data... to be incorporated into the set of managed disks, col. 8 lines 59-61).

For claim 2, Stallmo does not, however, expressly disclose these steps for a mirrored virtual disk, but this is taught by Baranovsky under the same rationale as claim 1.

As for specifying a size for the virtual disk and mapping the size of the virtual disk directly to all components of the mirror set, Baranovsky discloses metadata is generated

and stored on the data storage devices to provide detailed information about the portions of each data storage device that have been allocated to the logical volume, and after system initialization, the size of the logical volume can be dynamically changed such that portions of the data storage devices are allocated to or deallocated from the logical volume (col. 2, lines 39-45).

For claim 3, the combined teachings of Stallmo and Baranovsky disclose the program storage device of claim 2.

Baranovsky further discloses specifying a size for and mapping the size of a virtual disk as performed by an operating system for these devices (the logical volume manager contains program code incorporated in the operating system kernel and is implemented as an extension of the operating system to present a logical view of storage which masks physical device boundaries, provides extended storage attributes such as mirroring and striping, and also allows file systems to be dynamically resized and relocated, span multiple physical volumes, and have their contents replicated, col. 7, lines 50-67, col. 8, lines 1-10).

For claim 4, Stallmo discloses the program storage device of claim 1 wherein the request to dynamically resize a disk array in a RAID storage system is a request to dynamically shrink the disk array in a RAID storage system, and wherein the manipulating the RAIDS to provide the desired resizing further comprises:

detaching any RAIDS that extend beyond the specified size (when an existing block group is released by the host, blocks are removed from the block group, col. 18 lines 56-58); and

truncating RAID's to free up any excess physical segments back into the RAID storage system (all the block space removed from the block group is placed back into the block pool, col. 18 lines 58-59).

For claim 4, Stallmo does not, however, expressly disclose these steps for a mirrored virtual disk, or that the specifying a size for the virtual disk and mapping the size of the virtual disk is performed by an operating system. For these items, see the combined teachings of Stallmo and Baranovsky and rationale for claims 1 and 2 above.

Claim 5 is rejected under the same rationale as claims 3 and 4.

Claim 6 is rejected with the same rationale as claim 2.

As for dynamically expanding mirrored virtual disks, Stallmo discloses the creating an amount of storage necessary by providing RAID's on each subsystem (col. 18 lines 31-33) and attaching the RAID's to the disk system, (col. 8 lines 59-61). See claim 2 rationale for applying these steps to a mirrored virtual disk, and specifying a size for the virtual disk and mapping the size of the virtual disk directly to all components of the mirror set.

Claim 7 is rejected with the same rationale as claim 4.

As for dynamically shrinking mirrored virtual disks, Stallmo disclose detaching any RAID's that extend beyond the specified size (col. 18 lines 56-58) and truncating RAID's to free up any excess physical segments back into the RAID storage system (col. 18 lines 58-59). See claim 4 rationale for applying these steps to a mirrored virtual disk, and specifying a size for the virtual disk and mapping the size of the virtual disk directly to all components of the mirror set.

Claim 8 is rejected with the same rationale as claim 1. As for a storage system interface for providing access to a storage system, Stallmo discloses a control module connected to disks through a SCSI bus (col. 7 lines 38-39).

As for a host side interface for communicating with host devices, Stallmo discloses a host SCSI bus which connects host computer to control module (col. 7 lines 33-35).

As for a processor, coupled to the host side interface and the storage system interface, Stallmo discloses a processor that performs the functions of the control module (col. 8 lines 24-25).

Claim 9 is rejected under the same rationale as claims 2 and 8.

Claim 10 is rejected under the same rationale as claims 4 and 8.

Claim 14 is rejected under the same rationale as claim 8.

Claim 15 is rejected under the same rationale as claims 2 and 14.

Claim 16 is rejected under the same rationale as claims 4 and 14.

7. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stallmo (U.S. Patent No. 5,875,456), in view of Baranovsky et al (US Patent No. 5,897,661), and Bobbitt et al (US PGPub No. 20030115218).

For claim 11, the rejection of claim 8 over Stallmo and Baranovsky is incorporated herein. The combined teachings of Stallmo and Baranovsky do not expressly disclose a plurality of hosts or at least one access device, coupled to the plurality of hosts, for managing data input/output operations, or a storage platform for

Art Unit: 2185

providing networked storage to the at least one access device, the storage platform including a management device for dynamically resizing mirrored virtual disks in a RAID storage system. Bobbitt, however, discloses a system with a plurality of underlying file systems running on various file servers to be “virtualized” into one or more “virtual volumes” that appear as a local file system to clients that access the virtual volumes (abstract, see also par. 0008-0009).

Stallmo, Baranovsky and Bobbitt are analogous art in that they are in the same field of endeavor, that is, a method of managing data in a data storage system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to extend the proposed storage system of Stallmo and Baranovsky to encompass multiple hosts because this would allow for the aggregation of the storage capacity provided to it by the server computers, such that the total capacity of the virtual file system comprises the totality of the storage capacity of the underlying servers, which may be easily scaled by adding additional servers (Bobbitt: par. 0038).

Claim 12 is rejected under the same rationale as claims 2 and 11.

Claim 13 is rejected under the same rationale as claims 4 and 11.

Contact Information

8. Any inquiries concerning this action or earlier actions from the examiner should be directed to Daniel Kim, reachable at 571-272-2742, on Mon-Fri from 10am-5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan, is also reachable at 571-272-4210.

Art Unit: 2185

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information from published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. All questions regarding access to the Private PAIR system should be directed to the Electronic Business Center (EBC), reachable at 866-217-9197.



Daniel Kim

Art Unit 2185

5-19-06



PIERRE VITAL
PRIMARY EXAMINER